

CIVIL REVISION APPLICATION NO. 2054 OF 1996.

Date of decision: 27.2.1997

For approval and signature

The Honourable Mr. Justice R. R. Jain

Mr. S. B. Vakil, advocate for the petitioners.

Mr. M. I. Hawa, advocate for the respondents.

1. Whether Reporters of Local Papers may be allowed to see the judgment? No
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of judgment? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

Coram: R.R.Jain, J.

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February 27, 1997.

Rule. Mr. M.I. Hawa, learned advocate waives service of rule on behalf of the respondents.

In the facts and circumstances of the case, the impugned order dated 30.10.1996 passed by the learned Second Joint Civil Judge (S.D.), Surat below Ex. 249 in Special Darkhast No. 27 of 1973 is hereby set aside. The effect of this order would be that the Special Darkhast No.27/1973 would stand revived. The lower court is directed to decide the said Special Darkhast in accordance with law. Both the parties would be at liberty to raise all contentions available to them under

law and the same shall be decided in accordance with law.

Rule is made absolute to the aforesaid extent with no order as to costs.